

A Rescue Package For Fundamental Rights: An Online Symposium on Verfassungsblog

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The constitution of the European Union depends on the fundamental rights situation in EU Member States. Hungary is the latest and most grave example of a EU Member State whose fundamental rights deficiencies are cause for concern.

What can the Union do about it? What if treaty violation procedures and political pressure won't do to get the situation under control? At which point ceases the problem to be an "internal" issue – in law, in politics? And how can the trap of massive centralization in the EU be avoided, if one broadens the scope of Union-level fundamental rights protection with the CJEU as the supreme guardian?

A research team led by Armin von Bogdandy, director of the [Max Planck Institute for Comparative Public Law and International Law in Heidelberg](#), has taken up these salient questions in a report commissioned by the German Foreign Office. The authors present a strikingly systematic proposal that may have far-reaching consequences: The European Court of Justice ought to declare itself competent to protect the fundamental rights of Union citizens even against their own state, if and as long as the national court system in the respective Member State cannot or will not sufficiently protect the "essence" of fundamental rights.

We have asked Armin von Bogdandy, Matthias Kottmann, Carlino Antpöhler, Johanna Dickschen, Simon Hentrei, and Maja Smrkolj to present and discuss their [proposal](#) on Verfassungsblog. Verfassungsblog is a space of possibilities and opportunities: lecture hall and salon, agora and court room, newsroom and laboratory to experiment with ideas and arguments. A space to debate the constitution of Europe – and the future of our constitution, to discuss the world and the law.

Last december, we already experimented with the format of an [online symposium](#), on the occasion of the EU fiscal pact. Now, we want to take this experience a step further and to enlarge our virtual discursive space: Starting today, a group of distinguished scholars will comment on the Heidelberg proposal. A constitutional lawyer from [Budapest](#), a political scientist teaching at [Hamburg](#) University and a legal historian and public law expert from [Frankfurt's](#) Goethe University are our pioneers to start the debate. And this is just the beginning. We do invite our readers to let themselves be seduced by smart and provocative posts and comments, and to comment and share their own thoughts as authors. And we shall be delighted to receive additional submissions by knowledgeable experts.

Symposium contributions will be published in German or in English, and often in both languages. Verfassungsblog takes on the challenges of linguistic diversity. How to deal with linguistic diversity? As of yet, we could not come up with a clean and clear-cut solution, or even any kind of proper solution. But we are working on it.

We are looking forward to a lively and exciting debate!

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Christoph Möllers

Max Steinbeis

